

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-2921 (JMF)
Hon. Jesse M. Furman

**NOTICE OF MOTION TO
WITHDRAW AS COUNSEL**

PLEASE TAKE NOTICE that, pursuant to Local Rule 1.4, defense counsel Kate Bailey respectfully requests that the Court order her withdrawal as counsel of record and cease sending docketing notifications via the ECF system. A motion to withdraw under Rule 1.4 turns on the reasons for counsel's withdrawal and the potential impact of that action on the timing of the proceeding. *See, e.g., Winkfield v. Kirschenbaum & Phillips, P.C.*, No. 12-CV-7424 (JMF), 2013 WL 371673, at *1 (S.D.N.Y. Jan. 29, 2013). Ms. Bailey seeks to withdraw because she is leaving the Civil Division effective October 28, 2019, and will no longer have responsibility for these cases. Because Ms. Bailey's new position does not involve defensive civil litigation on behalf of the U.S. government, it is appropriate for her to withdraw from this case. Furthermore, this case has been fully resolved with the exception of NYIC Plaintiffs' Motion for Sanctions, *see ECF No. 635*, which is now fully briefed. Ms. Bailey's withdrawal will thus have no impact on the prosecution of this suit. *See Whiting v. Lacara*, 187 F.3d 317, 320-21 (2d Cir. 1999) (per curiam).

Ms. Bailey is mindful of this Court's order of July 9, 2019, and, as set forth in Exhibit A, will remain subject to the Court's jurisdiction for any reason related to these cases and available in the event her attendance is required at any future hearings as required by this Court. Ms. Bailey is not retaining or charging a lien.

Respectfully submitted,

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Director, Federal Programs Branch

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/s/ Kate Bailey
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Counsel for Defendants

Application GRANTED, except that Ms. Bailey shall remain subject to the Court's jurisdiction for any reason related to these cases and available in the event her attendance is required at any future hearings as required by this Court. The Clerk of Court is directed to terminated ECF No. 657.

SO ORDERED.



October 13, 2019